

## RESPONSE AND REMARKS

Claims 1-63 were previously cancelled and Claims 64-79 were previously added to more distinctly claim the invention. Reconsideration of the application in view of the Response and Remarks below are respectfully requested.

The Examiner organized the Office action by numbered topics. In this Response, responsive measures refer to the Office action topic numbers with the abbreviation "Office Action, Topic No. #, p. #."

### REJECTIONS UNDER SECTIONS 102 AND 103

In the Office Action, Claims 64-79 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kara et al. (U.S. Patent No. 6,233,568; "Kara") in view of Thiel (U.S. Patent No. 6,699,258; "Thiel").

The Office Action states, with respect to the rejection of Claims 64, and 68-79, that: "Kara discloses the use of shipping management computer system (see abstract for:"

- a. Receiving a set of package specifications (Fig. 8, Box 802);
- b. Determining multiple shipping rates (first and second) for a first carrier (Fig. 8, Boxes 807 and 808);
- c. Determining multiple shipping rates (third and fourth) for a second carrier (Fig. 8, Boxes 807 and 808);
- d. Receiving a request from a user to ship a package using one of the services by one of the carriers (See Fig. 8, Col. 5, lines 56-67);
- e. Facilitating the delivery of the package (Col. 6, lines 1-6).

Office Action, Topic No. 4, pgs. 2-3.

The Office Action further states that "Kara... fails to disclose the simultaneous display of the rates for each carrier for each service." Office Action, Topic No. 5, p. 3. Thiel is then cited to support of the proposition that "Thiel discloses the use of a system for calculating rates for multiple carriers for multiple services (see abstract), and discloses a simultaneous display of rates for each carrier, that includes rates for different services (Column 11, lines 1-13)." Office Action, Topic No. 5, p. 3. Thiel is also cited as further supporting the proposition that "Thiel discloses displaying rates for the preferred carrier, but also discloses displaying the rates for second and third choices

as well (Column 11, lines 46-54).” Office Action, Topic No. 5, p. 3. The Office Action further states that “[i]t would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Nicholls, Fisher and Kara, to simultaneously display the rates of each carrier for each service, in order to allow the customer to come to his/her own conclusion and choice of carriers (See column 11).” Office Action, Topic No. 5, p. 3.

#### **Independent Claim 64**

For the following reasons, it is respectfully asserted that the neither Thiel nor Kara, whether considered alone or in combination with any other reference of record, disclose, anticipate, teach or suggest all of the limitations of Claim 64. Independent claim 64 is directed to a shipping management computer system that is programmed for:

- receiving, from a user, a set of package specifications for a particular package that is to be delivered to a particular destination;

- determining a first shipping rate, said first shipping rate being a rate that a first carrier would charge to deliver said package to said destination according to a first delivery service;

- determining a second shipping rate, said second shipping rate being a rate that said first carrier would charge to deliver said package to said destination according to a second delivery service;

- determining a third shipping rate, said third shipping rate being a rate that a second carrier would charge to deliver said package to said destination according to a third delivery service;

- determining a fourth shipping rate, said fourth shipping rate being a rate that said second carrier would charge to deliver said package to said destination according to a fourth delivery service;

- simultaneously displaying said first, second, third, and fourth shipping rates to said user; and

- receiving a request from said user to ship said package to said destination via a particular delivery service, said particular delivery service being selected

from a group consisting of: (A) said first delivery service; (B) said second delivery service; (C) said third delivery service, and (D) said fourth delivery service; and

facilitating delivery of said package to said destination via said particular delivery service.

It is respectfully asserted that one advantage of a shipping management computer system according to various embodiments of the system claimed in Claim 64 is that such embodiments allow for a simultaneous cross-comparison of the various rates associated with multiple delivery services provided by each of a plurality of carriers. For example, such a system could be configured for simultaneously displaying: (1) the shipping rate that UPS would charge to deliver a package via overnight delivery; (2) the shipping rate that UPS would charge to deliver the package via second day delivery; (3) the shipping rate that Federal Express would charge to deliver a package via overnight delivery; and (4) the shipping rate that Federal Express would charge to deliver the package via second day delivery. Such a display may be useful in allowing users to quickly compare the delivery services (and associated rates) of various carriers.

The Thiel table disclosed at column 11, lines 1-13 of Thiel (as cited in the Office Action) is described by Thiel as a *stored* table (not a table of values *determined* by the system of Thiel) of services and shipping fee components of various carriers. Thiel, col. 10, lines 65-67. Specifically, the cited stored Thiel table merely lists, for five (5) different carriers, such shipping features as Destination Zone, Base Charge, Express Delivery, Added [Express Delivery] Charge, Return Receipt, Added [Return Receipt] Charge, Discount for greater than 100 items, Discount for greater than 1000 items, and Discount for greater than 10000 items. Thiel, col. 11, lines 1-13. In view of the above-cited disclosures of Thiel, it is respectfully submitted that the stored Thiel table does not disclose any values that, as compared to the above-recited limitations of Claim 64, are *determined* by the system of Thiel. Rather, for reasons explained in more detail below, it is respectfully submitted that the stored Thiel table contains service and shipping fee components that are used as input by the Thiel system for calculating shipping rates.

Further, as compared to the above-recited limitation of Claim 64, it is respectfully submitted that the citations to column 11, lines 1-13, and column 11, lines 46-54 of Thiel refer to a display of "choices" by the system of an optimal *carrier*, not of a display rates for each of multiple "... delivery service[s] offered by each carrier.

Thiel explains that the stored Thiel table is used to perform a mask search *after* the user has already "defined the required services":

[T]he user of the franking machine first defines the required services. This is done by entering the data with regard to the ship-to zone (the destination zone) and the desired additional services such as express delivery (E), return receipt (R), etc.

Thiel, col. 11, 15-18.

According to the above-cited disclosure of Thiel, the user first defines to the Thiel franking system the required services. That is, the user first selects whether the user wants express delivery, or some other level of delivery service.

Thiel discloses that, once the user has defined to the Thiel system, among other things, the required level of delivery service, that in the Thiel system "... [i]n a first selection process, a mask (a first step selection) searches the carriers which offer the desired services." Thiel, col. 11, lines 21-23.

Then, "... [i]n a further selection process ..., the base fee (B), the special service fees, the return receipt fee, and the discount are taken into consideration ...." Thiel, col. 11, lines 27-29. Thiel discloses formulas using the "B", "R" and "D" components from the Thiel table to calculate a shipping fee ("P") for carrier's identified by the first mask process mentioned above. See Thiel, col. 11, lines 27-35.

In view of the above-described disclosures of Thiel, it is respectfully submitted that, as compared to the above-recited limitations of Claim 64 for "... simultaneously displaying said first, second, third, and fourth shipping rates to said user ...", the Thiel table is not displayed but is a stored table of shipment rating components, that is used by Thiel as input for calculations of shipping rates.

From the first Thiel selection [mask] process, Thiel then discloses that "... a fee optimization is performed to reach the best price ..." Thiel, col. 11, lines 29-30. "The summed shipping fees ... are compared and the smaller amount ... is suggested as the optimal carrier." Thiel, col. 11, lines 36-38.

The portion of Thiel cited by the Office Action (Thiel, col. 11, lines 46-54) to support the proposition that Thiel discloses "displaying the rates for second and third choices ..." states that "... a most preferred embodiment displays second (and third) choices ...." However, according to the above-cited disclosures of Thiel, it is respectfully submitted that the "... second (and third) choices ..." that would be displayed by Thiel would be second (and third) choices of carriers, not of more than one delivery service levels by any particular carrier.

Further, as compared to the above-recited limitations of Claim 64, and similar to Thiel, Kara discloses a user pre-selection of a particular delivery service and a subsequent display of carrier-specific rates for the pre-selected delivery service adjacent to an identifier of the respective carrier. See, e.g., Kara, Figure 8A; Kara, col. 5, lines 56 – col. 6, line 6; Kara, col. 22, lines 21-48 (disclosing a "... program [that] automatically calculates the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters* ..." Kara, col. 22, lines 39 – 42 (emphasis added)). Therefore, according to Kara, a user of Kara must first indicate the desired shipping and/or delivery parameters (e.g., Overnight, or Same Day, or Next Day, or 2-Day, or 3-Day) so that the Kara "program [will] automatically calculate[ ] the [shipping] fees for each shipping service provider offering service *commensurate with the desired shipping and/or delivery parameters*." Kara, col. 22, lines 39 – 42 (emphasis added). That is, only once a user has indicated a desired type of service, will the Kara program calculate the shipping rate for each carrier that supports *the desired service* and then display the results.

Importantly, as compared to the above-cited limitations of Claim 64, as can be seen in FIG. 8 of Kara, Kara would display only one rate per carrier at a time. In order to obtain a display of rates for multiple delivery services for multiple carriers using Kara, it is respectfully submitted that a user would need to successively indicate an "urgency", e.g., "Overnight" on FIG. 8 of Kara, so that the Kara system would, according to the specification of Kara (e.g., Kara, col. 22, lines 39 – 42), calculate the rates for the shipping service providers (depicted in FIG. 8 of Kara as "US Post", "Federal Express", "DHL", "UPS", "Purolator", and "Emery") via each successively indicated "urgency".

For the above-given reasons, it is respectfully asserted that the above-cited limitations of independent Claim are not disclosed, anticipated, taught or suggested by either Thiel or Kara, whether considered alone or in combination with any other reference of record.

**Independent Claim 74**

For reasons similar to those described above with respect to Claim 64, it is respectfully asserted that neither Thiel nor Kara, whether considered alone or in combination with any other reference of record, disclose, anticipate, teach or suggest all of the limitations of Claim 74. Independent Claim 74 is directed to a shipping management computer system that is programmed for:

identifying a first day on which a first carrier would deliver a particular package to a particular destination if said first carrier were to deliver said package to said destination via a first delivery service;

identifying a second day on which said first carrier would deliver said package to said destination if said first carrier were to deliver said package to said destination via a second delivery service;

identifying a third day on which a second carrier would deliver said package to said destination if said second carrier were to deliver said package to said destination via a third delivery service;

identifying a fourth day on which said second carrier would deliver said package to said destination if said second carrier were to deliver said package to said destination via a fourth delivery service; and

simultaneously displaying to a user:

(A) a first delivery schedule indicia indicating that said first carrier would deliver said package to said destination on said first day if said first carrier were to deliver said package to said destination via said first delivery service;

(B) a second delivery schedule indicia indicating that said first carrier would deliver said package to said destination on said second day if said first carrier were to deliver said package to said destination



via said second delivery service;

(C) a third delivery schedule indicia indicating that said second carrier would deliver said package to said destination on said third day if said second carrier were to deliver said package to said destination via said third delivery service; and

(D) a fourth delivery schedule indicia indicating that said second carrier would deliver said package to said destination on said fourth day if said second carrier were to deliver said package to said destination via said fourth delivery service.

It is respectfully asserted that one advantage of a shipping management computer system according to various embodiments of the system claimed in new Claim 74 is that such embodiments allow for a simultaneous cross-comparison of the various schedules according to which a package would be delivered via multiple delivery services provided by each of a plurality of carriers. For example, such a system could be configured for simultaneously displaying: (1) the date on which UPS would deliver a package via an "overnight" delivery service; (2) the date on which UPS would deliver the package via a "second day" delivery service; (3) the date on which Federal Express would deliver the package via an "overnight" delivery service; and (4) the date on which Federal Express would deliver the package via a "second day" delivery service. Such a display may be useful in allowing users to quickly compare the dates on which a package would actually be delivered if the user were to send the package via various delivery services. This can be especially useful if different carriers have different policies regarding, for example, whether a package sent via overnight delivery on a Friday would be delivered on the next weekday (Saturday) or on the next business day (Monday).

Specifically, the stored Thiel table cited by the Office Action at column 11, lines 1-13 merely lists, for five (5) different carriers, such shipping features as Destination Zone, Base Charge, Express Delivery, Added [Express Delivery] Charge, Return Receipt, Added [Return Receipt] Charge, Discount for greater than 100 items, Discount for greater than 1000 items, and Discount for greater than 10000 items. Thiel, col. 11,

lines 1-13. It is respectfully submitted that no dates or times are listed in the stored Thiel table.

Further, the listing in the cited stored Thiel table of "Express Delivery" as a setting for each of five carriers, does not constitute "...identifying a ... day on which a ... carrier would deliver a particular package to a particular destination if said ... carrier were to deliver said package to said destination via a ... delivery service ..." as recited by Claim 74 for various carriers and various delivery services. That is because, depending on each carrier's rules, the mere listing of an offering of a delivery service, such as an Express Delivery service, does not necessarily indicate any particular date for delivery. For example, if a shipment is initiated on a Friday, a weekend, or a day preceding a holiday, depending on a given carrier's rules regarding Saturday, Sunday, or holiday delivery, the shipment may not, be delivered by an Express Service on the day following the date on which the shipment was initiated.

Yet further, it is respectfully submitted that Kara does not disclose a display of a day on which a carrier would delivery a particular parcel as recited by Claim 74. For the reasons described above with respect to Thiel, it is respectfully asserted that Kara's display of such delivery services as "Overnight", "Next Day", and the like, does not constitute a display of a day on which a parcel would be delivered. For example, even if a user of the Kara system were to indicate the "Same Day" option, a display by Kara of the rates for that service level would not, depending on the drop-off or pick-up time of the package, indicate the day of delivery.

Still further, analogous to the reasons given above with respect to independent Claim 64, it is respectfully submitted that the stored Thiel table is not displayed to the user, and therefore would not be properly held to disclose the limitations of Claim 74 for "...simultaneously displaying to a user ... delivery schedule indicia ...."

#### CONCLUSION

Because, as respectfully asserted above, neither Kara nor Thiel, disclose, anticipate, teach or suggest all of the limitations of independent Claims 64 and 74, it is respectfully asserted that neither Kara nor Thiel, disclose, anticipate, teach or suggest all of the limitations of the claims that are dependent on Claims 64 and 74.



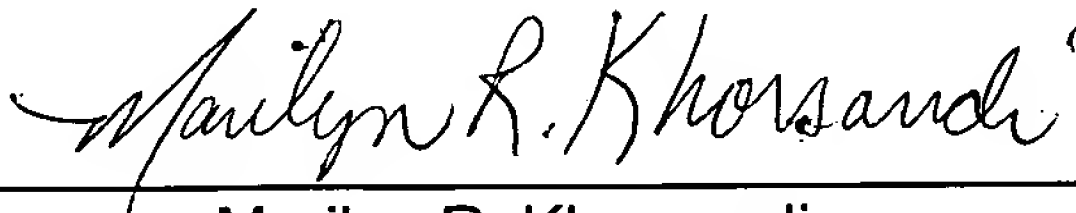
Application Serial No. 09/684,869

Amendment and Response to Office Action dated June 20, 2006

For the foregoing reasons and authorities, it is respectfully submitted that the invention disclosed and claimed in the present application is not fairly taught by any of the references of record, taken either alone or in combination, and that the application is in condition for allowance. Accordingly, reconsideration and allowance of the application are respectfully requested.

Respectfully submitted,

KHORSANDI PATENT LAW GROUP, ALC

By 

Marilyn R. Khorsandi

Reg. No. 45,744

626/796-2856